

The State Licensing Board for Residential and General Contractors met via conference call on June 27, 2008 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia, for the purpose of conducting Board business.

**Members Present:**

Timothy Ansley  
Bob Barnard  
Dan Cash  
Steve Cash  
Melissa Henderson  
Mark Herbert  
Tommy Holder  
Roger Huggins  
Allen Richardson  
Edward Strain, III  
Morgan Wheeler

**Members Absent:**

Hoppy Hopkins, Board Chairperson  
Philip Thayer, Board Vice Chairperson  
David Cyr

**Staff:**

Tanja Battle, Executive Director  
Lisa Durden, Executive Director  
Randall Vaughn, Division Director  
Janet Wray, Sr. Asst. Attorney General  
Scarlett Elliott, Asst. Attorney General

The meeting was called to order at 10:05 by Bob Barnard after a quorum was established.

A motion was made by Steve Cash, seconded by Timothy Ansley, and the Board voted unanimously to accept the June 19, 2008 Residential Division Conference Call minutes.

A motion was made by Mark Herbert, seconded by Allen Richardson, and the Residential Division voted unanimously to accept the recommendations made by the committee at the June 25, 2008 Residential Division Committee Meeting. Those recommendations are as follows:

The Committee recommended overturning the previous vote of denial for licensure by examination exemption of the following pending additional documents:

Scott, Henry Hugh (Basic Qualifying Agent for The Scott Group, Inc.)  
Ball Jr., Johnnie Percy (Light Qualifying Agent for Ball's Enterprises, Inc.)  
Caudell, Dan (Basic Individual)  
Rappold Jr., E.S. (Basic Individual)  
Carr, Frederick David (Basic Individual)

Schrews, Terry Lee (Basic Qualifying Agent for MTS Homes, LLC)  
Douglas, James Richard (Basic Qualifying Agent for Longevity Enterprises, Inc.)  
Weidmann, William Lawrence (Basic Qualifying Agent for Weidmann & Associates, Inc.)  
Robinson, Mildred Spencer (Basic Qualifying Agent for Bradbanks & Associates, Inc.)  
Terry, Milton (Basic Individual)  
King, Michael W. (Light Individual)  
Richmond, Dale R. (Light Individual)  
Cada, Dan (Light Individual)  
Caviccholi, Marc Louis (Light Individual)

The Committee recommended overturning the previous vote of denial for licensure by examination exemption of the following:

Scott, Paul S. (Basic Individual)  
Smith, Andrew Lamar (Light Qualifying Agent for Enterprises Paint & Supply Store, Inc.)  
Spratlin, Randy Von (Basic Individual)  
Morgan, Phyllis S. (Basic Individual)  
Bailey, Bryan Christopher (Light Qualifying Agent for Precision Trim, Inc.)  
Kelemencky, Stephen Andrew (Basic Qualifying Agent for Highland Custom Homes, LLC)  
Williams, LuJames (Light Individual)  
Moseley, Jeffrey Thomas (Light Individual)  
Gravitt, Rusty Brian (Light Qualifying Agent for Gainesville Mechanical, Inc.)  
Khataei, Behzad (Light Qualifying Agent for Azar Construction, Inc.)  
Wells, Richard Shane (Basic Individual)  
Jeffers, Leyland Wayne (Light Individual)  
Boyd, Maynard M. (Basic Qualifying Agent for Boyd Builders, LLC)  
Brown, Elizabeth Rohrer (Basic Qualifying Agent for Rudy & Tony Brown Properties, LLC)  
Jenkins Jr., William N. (Basic Individual)  
Krome, Steven Thomas (Basic Individual)  
Lea, John David (Basic Qualifying Agent for Decksouth, Inc.)  
McMichael, Olin Palmer (Basic Individual)  
Neissani, Behrooze (Basic Individual)  
Norman, David Francis (Basic Individual)  
Palmer, Gerimi L. (Basic Individual)  
Rogers, Kenneth Howard (Basic Qualifying Agent for David Reese Homes, Inc.)  
Saad, Adel R. (Basic Qualifying Agent for Sphinx Group, Inc.)  
Muhammed, Luay Ahmed (Light Individual)  
Stevens, Daryl W. (Light Individual)  
Tweedell, Thomas Owen (Light Qualifying Agent for All Phase Environmental)  
Jowers, Tommy Arthur (Light Qualifying Agent for Jowers Construction Co., Inc.)  
Clapp, Norman Edwin (Basic Qualifying Agent for Normandy Homes, Inc.)  
Brown, James W. (Basic Individual)  
Johnson, Jody Lee (Light Individual)  
King, Tom W. (Basic Qualifying Agent for J F King, Inc.)

Burkett, Curtis Eugene (Light Qualifying Agent for Southern Development Group, LTD)  
Wallin, Ralph D. (Light Individual)  
Humphries, Sydney E. (Light Individual)  
Nguyen, Phuong Kelly (Light Qualifying Agent for Cam Ken Construction, LLC)  
Plott, Robert Alan (Light Individual)  
Moore, Michael F. (Light Individual)  
Robinson, Herman (Basic Individual)  
McCord, Larry L. (Light Individual)

The Committee recommended overturning the previous vote of denial for licensure by examination exemption and referring the following to the Attorney General's office for a consent order that would put the applicant's license on probation for 24 months from the date of issuance:

P.J.F. (Light Individual)

The Committee recommended overturning the previous vote of denial for licensure by examination exemption pending additional documents and referring the following to the Attorney General's office for a consent order that would put the applicant's license on probation for 24 months from the date of issuance:

F.F.L. (Basic Qualifying Agent)

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for Cobblestone at Ivy, but approve the applicant for licensure by examination exemption as a Residential-Light Commercial Individual pending additional documents:

Mokhemar, Moustafa Mohamed

The Committee recommended upholding the previous vote of denial for the following applicant for licensure by examination exemption as a Residential-Light Commercial Individual, but suggested submission of a Residential Basic Individual application:

Owens, Reginald Sheldon

The Committee recommended upholding the previous vote of denial for the following applicants for licensure by examination exemption:

Ross, Sylvia Thomas (Light Qualifying Agent for Quality & Affordable Remodelers & Con, Inc.)  
Landers, William Jere (Basic Individual)  
Stanley, Paul Wayne (Basic Qualifying Agent for Greentree Development & BID, Inc.)  
Kizer III, Byron Dale (Light Qualifying Agent for Townelake Associates, Inc.)  
White, Robert Allen (Light Individual)  
Long, Terry Anthony (Light Individual)  
Williams, Cecil Glennie (Light Qualifying Agent for Ingram Timber Enterprises L.P.)  
Williams, Douglas Glennie (Light Qualifying Agent for Ingram Timber Enterprises, L.P.)

Tubo, Brian Wesley (Light Individual)  
Williams, Joel Wesley (Light Qualifying Agent for Ingram Timber Enterprises, L.P.)  
Worth, Leon (Light Qualifying Agent for Worth Construction & Development Co., Inc.)  
Loughridge, James Payson (Light Qualifying Agent for Nobaddob, Inc.)  
Massey, Richard Sean (Basic Qualifying Agent for Massey Construction)  
Kelly, John S. (Light Individual)  
Davis, Charles E. (Light Individual)  
Smith, Ellen Corbett (Basic Individual)  
Ross, Jewell (Basic Individual)  
Martinez, Arnaldo Esparza (Basic Individual)  
Bennett, David Warren (Light Individual)  
Gravette, David B. (Light Qualifying Agent for Champion Construction, Inc.)  
Okafor, Jay Michael (Basic Qualifying Agent for J M O Enterprises, Inc.)  
Montgomery, Michael Wayne (Basic Qualifying Agent for MWM Construction, Inc.)  
Prince, Patrick E. (Light Qualifying Agent for P&T Rentals, Inc. dba P&T General Contracting)  
Brown, Errol Alphonso (Basic Individual)  
Browning Jr., Fred Lamar (Basic Qualifying Agent for Browning Builders, Inc.)  
Cooley, Christopher T. (Light Qualifying Agent for Cooley Custom Homes, Inc.)

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential Basic Individual, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for Vintson Construction Co., Inc.:

Vintson, Carl E.

The Committee recommended upholding the previous vote of denial for the following applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for Deckwright, Inc., but suggested submission of a Residential Basic Individual application:

Goldstein, Richard Marc

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential Basic Qualifying Agent for IDK Homes, Inc., but approve the applicant for licensure by examination exemption as a Residential Basic Individual pending additional documents:

Janelle Jr., Ronald Curtis

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential Basic Qualifying Agent for RA Dudley Construction, Inc., but approve the applicant for licensure by examination exemption as a Residential Basic Individual:

Dudley, Richard A.

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Individual, but approve the applicant for licensure by examination exemption as a Residential Basic Individual:

Leaptrot, Andrew Mark

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for Enterprise Construction Co., Inc. pending additional documents:

Blackwell, Barry Lanier

The Committee recommended upholding the previous vote of denial for the following applicant for licensure by examination exemption as a Residential-Light Commercial Individual, but suggested submission of a Residential Basic Individual application:

Salter, Larry Ben

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for Newfield Partners, Inc., but approve the applicant for licensure by examination exemption as a Residential-Light Commercial Individual:

Thomann, Louis Ambrose

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for Tallulah Construction Services, LLC, but approve the applicant for licensure by examination exemption as a Residential Basic Individual pending additional documents:

Canup, Lucas Keith

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for Gosdin Wallpapering, Inc. pending additional documents:

Gosdin, Thomas Wayne

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for A & D Horizon, Inc., but approve the applicant for licensure by examination exemption as a Residential-Light Commercial Individual pending additional documents:

Norman, Dorothea

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for Leland Homes & Neighborhoods, LLC:

Wilson, Terrance F.

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for MJ & H, Inc.:

Rivers Jr., James A.

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for MJ & H, Inc.:

Rivers, Michael Todd

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential Basic Qualifying Agent for Morgan's Building, LLC, but approve the applicant for licensure by examination exemption as a Residential Basic Individual:

Morgan, Anthony Wayne

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for K. Green Construction, Inc., but approve the applicant for licensure by examination exemption as a Residential-Light Commercial Individual pending additional documents:

Green, Charles Kevin

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent for South Coast Builders, but approve the applicant for licensure by examination exemption as a Residential-Light Commercial Individual pending additional documents:

Amerson, Kennon L.

The Committee recommended tabling the following for further review:

Deaton, Kenneth Brian (Light Individual)

Carter, Alan Thomas (Light Qualifying Agent for Hometown Development & Construction Co., Inc.)

Demkowski Jr., James Jarrel (Light Qualifying Agent for Big Bear Enterprises, Inc.)

Reed, Steven Nelson (Basic Qualifying Agent for Steve Reed Remolding & Restoration, Inc.)

The Committee recommended denying licensure by examination exemption of the following:

Amerson, Harry C. (Basic Individual)  
Schuster, James E. (Basic Individual)  
Tanner, Ron Garland (Basic Individual)  
Adams, Theron (Basic Qualifying Agent for TA Investments, LLC)

The Committee recommended reconsidering the following qualifying agent applicant for licensure as an individual once the appropriate documentation is received:

Jeffries, James Daniel (Light)

The Committee recommended accepting the change to a Residential-Light Commercial Individual application for licensure by examination exemption of the following:

Blackmon, Rickey Lamar

The Committee recommended denying the change to a Residential-Light Commercial Individual application for licensure by examination exemption of the following:

Williams, Paul Jason

The Committee recommended approving the following for further review:

Cherry, Larry Wayne (Light Individual)  
Capland, Judd W. (Basic Individual)

The Committee recommended overturning the previous vote of denial for licensure by examination exemption and referring the following to the Attorney General's office for a consent order that would put the applicant's license on probation for 24 months from the date of issuance:

G.T. (Basic Individual)

The Committee recommended overturning the previous vote of denial for licensure by examination exemption and referring the following to the Attorney General's office for a consent order that would put the applicant's license on probation for 24 months from the date of issuance:

G.R.H. (Basic Qualifying Agent)

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant

for licensure by examination exemption as a Residential Basic Qualifying Agent for The Berretta Corp:

Berretta Sr., Frank C.

The Committee recommended upholding the previous vote of denial for the following applicant as a Residential-Light Commercial Qualifying Agent, but approve the applicant for licensure by examination exemption as a Residential Basic Qualifying Agent for TDK Enterprises, Inc.:

Paul, Theodore D.

Two Consent Orders were presented for acceptance by the board: James C. McIntyre and Dennis M. Edwards. Morgan Wheeler made a motion to accept the consent orders and give Tanja Battle permission to sign those orders; Dan Cash seconded the motion. The board voted to accept the consent orders for James C. McIntyre and Dennis M. Edwards and gave Tanja Battle express permission to sign the orders.

Ms. Battle advised that there needed to be discussion about the Board's vote taken at the June 18, 2008, meeting regarding its position on outstanding contracts as of July 1, 2008, and the letter it requested be sent to Karen Handel regarding such. Ms. Handel's response to the Board's request was that she would send out a letter from the Board as it is not her role to interpret the law.

Janet Wray introduced herself as the Senior Assistant Attorney General and stated that she has worked with Scarlett Elliott and with Reagan Dean on issues facing this board. Ms. Wray reported that she attended a meeting with Attorney General Baker earlier in the week. Ms. Wray stated that when the matter of the Board's position and request to Secretary Handel came to her attention, she felt she needed to revisit the issue of personal liability which may not have been as clearly conveyed to the board at its orientation as it should have been. By law and by Constitution, the Attorney General's office represents state agencies, including boards. As a public official, board members have DOAS insurance for board activities. Sovereign immunity has not been waived for certain activities under the Tort Claims Act. If a board acts outside the law, this may be deemed to be ultra vires, meaning individual board members are not acting as public officials, and therefore, are not covered by insurance and will not be represented by the AG's office. Any such action may result in personal liability. An example of this is a board member giving information discussed in Executive Session to persons outside the board. Information discussed in Executive Session may not be shared outside the meeting.

Ms. Wray continued by saying that the letter the Board sent to Secretary Handel may make individual members personally liable. She conveyed that the practicing of contracting after July 1, 2008, is a misdemeanor; a crime. If the Board maintains its position regarding such it would be giving permission for someone who may be unlicensed to practice contracting after July 1, 2008. This may be considered aiding and abetting a criminal activity. The AG's office has been looking and cannot find any exception in the law that can allow this practice and anyone with an existing contract to continue to practice without a license.



Ms. Wray further advised that neither board members nor the AG's office should dictate policies and procedures to local building officials at this time as it relates to practice after July 1, 2008. Such building officials should seek the advice of the attorney of the city or county. Ms. Wray reiterated that board members approached individually should not advise any unlicensed contractor to continue practicing after July 1, 2008, as such could result in a civil action.

Ms. Wray concluded that the AG's office is putting board members on notice about taking a position contrary to the AG's advice and what repercussions there may be. Ms. Wray emphasized that if the board moves forward with sending out a letter about its position, individual members may be at risk. She continued by saying that to read that contracts entered into before July 1, 2008, as continuing to permit unlicensed practice would be inconsistent with the remaining portions of the law. This reinforces the interpretation that July 1, 2008 is a drop dead date. Additionally, if any inconsistencies were argued, the introduction in the law favored interpretation to support protection of the public, not the contractor.

Mr. Huggins stated that he recently attended a meeting at the AG's office with Ms. Wray and Attorney General Baker. He stated that there is nothing in the law that addresses certificates of occupancy.

Ms. Wray's response was that certificates of occupancy are a local matter. The law is not clear in addressing certificates of occupancy. If local building officials are saying that they will not issue certificates of occupancy after July 1, the board has no authority over such. The AG's office does not and will not represent local government officials in their conduct.

Mr. Huggins indicated that he would like to rescind his signature from the letter to Secretary Handel.

Ms. Battle advised the Board of an email from Philip Thayer which stated that he would like to rescind his approval of the Board's position and withdraw his name from the request sent to Secretary Handel.

Mr. Ansley conveyed that representatives from counties on the coast are taking the position that licensure is required starting July 1, 2008.

Mr. Huggins stated that was right and agreed about the building officials seeking legal advice.

Melissa Henderson stated that if there are projects wrapping up in cases where a contractor doesn't plan to continue working, they should be allowed a certificate of occupancy if they're licensed or not.

Bob Barnard expressed concerns about the legal ramifications and fears that the ramifications of not allowing projects to continue are far greater than allowing projects to

continue. They will come after building officials and contractors. Ramifications are far greater than allowing projects to continue.

Mr. Ansley stated that this issue was outside of the Board's authority.

Ms. Henderson interjected that this would tie the hands of the building officials.

Tommy Holder asked whose responsibility it is to go after contractors.

Janet Wray's response was that contracting after a certain date is a crime. Board members will address complaints against contractors and building officials, district attorneys and civil courts will be other enforcement mechanisms. District Attorneys may try to use unlicensed practice in fraudulent conduct cases.

Mr. Holder asked what the code section is that addresses unlicensed practice being a misdemeanor.

Ms. Wray cited O.C.G.A. § 43-41-12. The definition of contracting addresses building and construction as well. There is no exception in the law for current contracts.

Ms. Battle interjected that Hoppy Hopkins had just sent an email requesting that the board withdraw its letter to Karen Handel and rescind its previous position.

Ms. Wray reminded the Board that it could act on a complaint upon receipt and reiterated that if individual members advocated a position individually, they may be held personally liable.

Mr. Huggins made a motion to retract the letter dated June 18, 2008, to Karen Handel and ask Secretary Handle to send a letter to the building officials advising them that the Board has no authority to tell them how to handle certificates of occupancy. Tim Ansely seconded the motion. The board voted unanimously in favor of the motion.

The meeting adjourned at 10:38 a.m.

**Minutes recorded by:**

**Lisa Durden, Executive Director**

**Minutes Edited/Reviewed by:**

**Tanja D. Battle, Executive Director**